

**IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF PENNSYLVANIA**

ROBERT CUVO and LISA	:	
CUVO, on behalf of the minor	:	
Child, A.C.,	:	
Plaintiffs,	:	No. 3:18-cv-01210
	:	
v.	:	(Saporito, M.J.)
	:	
POCONO MOUNTAIN	:	
SCHOOL DISTRICT, et al.,	:	
	:	
Defendants.	:	

ORDER

AND NOW, this 29th day of March, 2019, in accordance with the accompanying Memorandum, IT IS HEREBY ORDERED THAT:

1. The defendant's motion to dismiss (Doc. 14) is GRANTED in part and DENIED in part;
2. Count II of the amended complaint is DISMISSED as duplicative of Count I;
3. The plaintiffs' § 1983 claims against the individual defendants (Count I) are DISMISSED on qualified immunity grounds;
4. The plaintiffs § 1983 claims against the school district (Counts I and III) are DISMISSED for failure to state a claim pursuant

to Fed. R. Civ. P. 12(b)(6);

5. The plaintiffs state law claims (Counts IV and V) are permitted to proceed against all defendants;

6. All claims brought on behalf of Robert Cuvo and Lisa Cuvo in their personal capacities are DISMISSED;

7. The plaintiffs' punitive damages claims against defendants Haines, and Hollar in his official capacity, are dismissed for failure to state a claim pursuant to Fed. R. Civ. P. 12(b)(6);

8. The plaintiffs are GRANTED leave to file a second amended complaint within twenty-one (21) days of the date of this order.

s/Joseph F. Saporito, Jr.
JOSEPH F. SAPORITO, JR.
U.S. Magistrate Judge

Dated: March 29, 2019